

EXHIBIT 3

Videotaped Deposition of
Elizabeth Pelletier
March 09, 2023

Freeman

vs.

Deebs

Confidential



Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2 LYNNE FREEMAN, an)
3 individual,)
Plaintiffs,)
4)

VS.) Case No. 1:22-cv-02435-LLS
5)

TRACY DEEBS-ELKENANEY)
6 P/K/A TRACY WOLFF, an)
individual, EMILY SYLVAN)
7 KIM, an individual,)
PROSPECT AGENCY, LLC, a)
8 New Jersey limited)
liability company,)
9 ENTANGLED PUBLISHING,)
LLC, a Delaware limited)
10 liability company,)
HOLTZBRINCK PUBLISHERS,)
11 LLC D/B/A MACMILLAN, a)
New York limited)
12 liability company, and)
UNIVERSAL CITY STUDIOS,) Job No. 10115763
13 LLC, a Delaware limited)
liability company,)
14 Defendants.)

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ORAL AND VIDEOTAPED DEPOSITION OF

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ELIZABETH PELLETIER

19

MARCH 9, 2023

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CONFIDENTIAL

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ORAL AND VIDEOTAPED DEPOSITION OF ELIZABETH

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PELLETIER, produced as a witness at the instance of the

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Plaintiff, and duly sworn, was taken in the

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above-styled and numbered cause on March 9, 2023, from

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Deebs****Elizabeth Pelletier**

1 8:58 a.m. to 1:34 p.m., before Donna Wright, CSR in and
2 for the State of Texas, reported by machine shorthand,
3 at the law offices of KOWERT, HOOD, MUNYON, RANKIN &
4 GOETZEL, 1120 South Capital of Texas Highway,
5 Building 2, Suite 300, Austin, Texas, pursuant to the
6 Federal Rules of Civil Procedure and the provisions
7 stated on the record or attached hereto.

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A P P E A R A N C E S

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Elizabeth Pelletier

1 ALSO PRESENT:
2 Walter Bryan - Videographer
3 Trent Baer
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1 Q. And did you read Stacy Abrams' deposition
2 transcript?

3 A. No.

4 Q. Did you talk to Tracy Wolff about her
5 deposition?

6 A. No.

7 Q. Did you read Tracy Wolff's deposition
8 transcript?

9 A. No.

10 Q. Did you review any documents in preparation
11 for the deposition?

12 A. No.

13 Q. What type of entity is Entangled Publishing,
14 LLC?

15 A. It's an LLC.

16 Q. Who are the members?

17 A. Myself, Stacy Abrams, Jessica Turner, Meredith
18 Johnson, and Katie Clapsadl.

19 Q. Who is the last person?

20 A. Clapsadl. Do you need me to spell it?

21 Q. Yes.

22 A. C-l-a-p-s-a-d-l.

23 Q. And what percentage of Entangled do you own?

24 A. 80 percent.

25 Q. And what percentage does Stacy Abrams own?

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Elizabeth Pelletier

1 A. She owns 5 percent.

2 Q. And the other three, I assume, own 5 percent
3 each?

4 A. They do.

5 Q. How many imprints does Entangled have?

6 A. I don't know off the top of my head.

7 Q. Is it more than ten?

8 A. I don't know.

9 Q. If I ask you to recall the names of the
10 imprints, could you do it?

11 A. I can count them, yes.

12 Q. What are the names of the imprints?

13 A. Amara, Entangled Teen, Red Tower, Embrace,
14 Brazen, Indulgence, Love Struck, Scandalous. I feel
15 like I'm forgetting. That's as many as I can recall
16 right now.

17 Q. And what imprint is the Crave book series in?

18 A. Entangled Teen.

19 Q. And is that imprint you use for young adult
20 paranormal books?

21 A. It's the imprint that I use for young adult.

22 Q. Now, how is Entangled different than other
23 publishing companies?

24 A. I work here. We all work virtually. I don't
25 know if that's different than other publishers. I

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Elizabeth Pelletier

1 really don't know.

2 Q. Is Entangled the publisher of the Crave book
3 series?

4 A. We are.

5 Q. By the way, when I refer to the Crave book
6 series, I'm referring to the books, obviously, Crave,
7 Crush, Covet, Court, Charm, and Cherish. Is that
8 understood?

9 A. It is. If you are only referring to the first
10 book, Crave, will you just say Crave, the book?

11 Q. Yes, yes.

12 A. Thank you.

13 Q. If you are ever not sure, ask me and I'll
14 clarify.

15 A. I appreciate that.

16 Q. Were you the content editor on the Crave book
17 series?

18 A. I was.

19 Q. Did Emily Kim ask you on occasion to make
20 content changes in the books -- in the Crave book
21 series?

22 A. Did she ask me?

23 MS. WOLFF: Did you understand the
24 question?

25 A. I don't think that question is clear enough.

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Elizabeth Pelletier

1 Could you clarify?

2 Q. Well, did Stacy Abrams occasionally ask you to
3 make changes to the book -- books?

4 A. I thought you said did Emily Sylvan Kim.

5 Q. I'm sorry. Did Emily Kim ask you occasionally
6 to make changes to any of the books in the Crave book
7 series?

8 A. Not as you're referring to make changes, no.

9 Q. Explain to me the distinction you're making.

10 A. Sometimes she would suggest some things, point
11 out things that she thought might be mistakes. I did
12 not always agree with her.

13 Q. And did you sometimes correct those mistakes?

14 A. If they were typos or actual mistakes to the
15 fact of the book, yes.

16 Q. Didn't Stacy Abrams -- did she make -- strike
17 that.

18 Didn't Emily Kim also make changes to the
19 book herself?

20 A. No.

21 Q. Didn't she have access to the book online?

22 A. No.

23 Q. Didn't she make changes to the actual physical
24 copy of the drafts?

25 A. She made comments that were then relayed to me

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Elizabeth Pelletier

1 and I chose whether or not I agreed or disagreed.

2 Q. Who did she relay the comments through?

3 A. Stacy.

4 Q. In general, what does a content editor in the
5 publishing business do?

6 A. The content editor is responsible for
7 reviewing the work and making sure that a number of
8 things are the best that they can be.

9 For instance, your typical structure is a
10 three-act structure. You want to make sure Act 1 and
11 Act 3 are the same length. You want the midpoint to be
12 in the middle of the book. So that's a well-formed
13 plot.

14 You want to make sure that each character
15 has a growth arc, which means they start in one place
16 mentally, by the end of the book they have learned
17 something and they have grown.

18 You want to make sure that the beats are
19 in the right place. You want to make sure that --
20 these are all what we call a first pass edit, which is
21 content edit. You also want to make sure that there
22 are no mistakes in the book, that if -- for every
23 action there must be a reaction. So if a phone rings,
24 somebody needs to answer it or acknowledge it. That's
25 called a reaction beat. So an editor makes sure that

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1 there are no phones ringing that nobody is not -- not
2 addressed in the book.

3 You want to make sure that there are no
4 continuity issues, no blocking issues where you have
5 like character one minute is standing and the next
6 minute they're sitting, hair is in a ponytail and now
7 it's not.

8 Smooth out characterization. You want to
9 make sure that the character at the beginning of the
10 book halfway through hasn't changed to a different
11 character or made decisions that are authentic to that
12 character. Yeah, you just -- and then, you know,
13 you're drilling down each successive time that you're
14 looking at the manuscript, getting more and more into
15 the granularity of -- of the words that are used, could
16 a stronger verb be used here to convey more emotion,
17 things like that.

18 Q. Now, what did you do as the content editor on
19 the Crave books?

20 A. All of that.

21 Q. Who is the distributor of the Crave book
22 series for print and eBooks?

23 A. Macmillan.

24 Q. What rights specifically does Macmillan have?

25 A. They have the right to distribute the books.

1 Q. In what formats?

2 A. Print and E in English.

3 Q. And what territory?

4 A. Can you clarify if you are referring to the
5 Crave book or the Crave series?

6 Q. I'm referring -- well, I'm referring to the
7 agreement. I'll change that.

8 The agreement you have with Macmillan,
9 what territory does it include?

10 MS. WOLFF: Object to the form. You can
11 answer. It's ambiguous.

12 THE WITNESS: It is.

13 A. Are you asking any book or specifically the
14 Crave books?

15 Q. I'm asking any -- is it correct you have just
16 reached an agreement with --

17 A. Yes, the distribution agreement -- sorry.

18 Q. And is that for all of the books in
19 Entangled's catalog?

20 A. It is.

21 Q. [REDACTED]
22 [REDACTED].

23 A. [REDACTED]
24 [REDACTED]

25 Q. [REDACTED]

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Q.

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A.

Q.

MS. WOLFF: Wait for him to finish the question.

THE WITNESS: Sorry.

MS. WOLFF: Otherwise, someone, like the Court reporter --

THE WITNESS: Sorry, Donna.

MS. WOLFF: -- will become schizophrenic.

Q.

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[REDACTED]

[REDACTED]

MS. WOLFF: Object to the form. You can answer if it's clear.

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

[REDACTED]

MS. WOLFF: Object to the form. You may answer.

A. May I ask her a question?

Q. Sure, go ahead.

MS. WOLFF: We just want to make sure that this transcript is marked confidential because there is an NDA agreement with Macmillan.

MR. PASSIN: It's up to you whether it's marked confidential.

MS. WOLFF: It is marked -- we want to make sure it is marked confidential.

MR. PASSIN: Okay.

A. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q. [REDACTED]

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1 publication?

2 MS. WOLFF: Object to the form. Timing?

3 Q. Well, what was the protocol in 2019? Strike
4 that.

5 What was the protocol in 2010?

6 A. 2010?

7 Q. One more time. What was the protocol in 2013?

8 Let's do that.

9 A. 2013. To the best of my recollection, in 2013
10 agents would e-mail an editor directly.

11 Q. Does Entangled have a slush pile?

12 MS. WOLFF: Object to the form. You may
13 answer. It's ambiguous.

14 A. In what year?

15 Q. 2013.

16 MR. GOETZEL: I'm sorry, did you say
17 "file" or "pile"?

18 MR. PASSIN: Pile. Thank you.

19 A. Entangled?

20 Q. Yeah.

21 A. No, not at that time.

22 Q. At that time, did it use Submittable?

23 A. No.

24 Q. When did it start using Submittable?

25 A. I don't know.

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Elizabeth Pelletier

1 Q. Explain to me what Submittable is.

2 A. Submittable is an online piece of software
3 that allows agents and un-agented authors to submit
4 their manuscripts for review by editors.

5 Q. And why would someone submit a book to
6 Submittable as opposed to directly to an agent or
7 directly to someone at Entangled?

8 MS. WOLFF: Object to form. You can
9 answer if you know.

10 A. I don't know why they would choose. I can't
11 speak for them. That's our protocol. We encourage you
12 to use Submittable.

13 Q. All right. And how does Submittable work?

14 A. I don't use it, so I don't know.

15 Q. What is the protocol at Entangled for
16 destruction of rejected manuscripts submitted by an
17 agent?

18 MS. WOLFF: At what time?

19 MR. PASSIN: In 2013.

20 A. I would assume you just delete it from your
21 e-mail.

22 Q. You said you assume. Do you know?

23 A. Each editor probably had a different timeline
24 that they went through their inbox and looked at that
25 your manuscripts.

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Elizabeth Pelletier

1 Q. But there is no -- there is no protocol as to
2 what each agent is exactly supposed to do?

3 MS. WOLFF: Object to form. You can
4 answer.

5 A. Not at that time.

6 Q. What if a manuscript is -- when did you start
7 using Submittable, do you know?

8 A. I don't know.

9 Q. What if a manuscript is submitted to
10 Submittable, is that eventually destroyed if no one
11 publishes the book?

12 MS. WOLFF: Object to form. You can
13 answer.

14 A. Yes.

15 Q. Yes?

16 A. Or archived.

17 Q. Or archive?

18 A. And then destroyed.

19 Q. Where -- where is your archives material
20 stored?

21 A. I don't know.

22 Q. And you said then eventually destroyed. Is
23 there a protocol for how long before it's destroyed?

24 A. There is now.

25 Q. When did that protocol come in place?

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Elizabeth Pelletier

1 MS. WOLFF: Maybe rephrase that.

2 Q. If a manuscript is destroyed, whether it be in
3 the archives or Submittable or an agent's computer,
4 does anyone keep a record of that destruction?

5 A. I don't know what's on an agent's computer,
6 first of all. And I don't use Submittable, so I don't
7 know.

8 Q. I want to mark as Exhibit 55 a document that's
9 Bates numbered MACMILLAN0000128 through
10 MACMILLAN0000156. And this is a distribution agreement
11 dated February 1, 2013 between Entangled Publishing,
12 LLC and Holtzbrinck Publishers, LLC d/b/a Macmillan.

13 (Exhibit 55 marked)

14 Q. By the way, throughout this deposition, I'll
15 be referring to Holtzbrinck Publishers, LLC as
16 Macmillan. Is that understood?

17 A. Yes.

18 THE VIDEOGRAPHER: Counsel, could you
19 move your microphone up some? Thank you.

20 Q. Can you please turn to Page 23 of the
21 document, which is Bates numbered MACMILLAN0000150? Is
22 that your signature that appears above the printed name
23 Elizabeth Pelletier?

24 A. It is.

25 Q. And you signed this document?

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Elizabeth Pelletier

1 A. I did.

2 Q. What is your understanding of what this
3 document is?

4 A. This document is a distribution agreement.

5 Q. Now, is it -- if you look at Paragraph 1A on
6 the first page of the document, it lists the imprints
7 that are subject to the agreement. Is that all of the
8 imprints of Entangled Publishing?

9 A. No.

10 Q. Okay. So certain imprints are left off of
11 this agreement?

12 A. They didn't exist at the time.

13 Q. Pursuant to this agreement, if imprints came
14 into existence at a later time, are they automatically
15 added to this agreement?

16 A. Define "added."

17 Q. Well, let me ask you this. Those imprints
18 that didn't exist in 2013, are the books and those
19 imprints distributed by Macmillan?

20 A. They are.

21 Q. Next I would like to mark as Exhibit 56 a
22 document that is Bates stamped MACMILLAN000071 through
23 0000072.

24 (Exhibit 56 marked)

25 Q. Can you please turn to Page 2 of the document?

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Elizabeth Pelletier

1 Is that your signature that appears above the printed
2 name, Ms. Pelletier?

3 A. It is.

4 Q. And did you sign this document?

5 A. I did.

6 Q. What is your understanding of what this
7 document is?

8 A. It is an amendment to our agreement.

9 Q. And how did it amend it in general?

10 A. It changed the fees.

11 Q. The fees payable to Macmillan?

12 A. Correct.

13 Q. Okay. Next I would like to mark as Exhibit 57
14 a document with Bates stamp number MACMILLAN000075
15 through 000077.

16 (Exhibit 57 marked)

17 Q. Can you please turn to Page 3 of this
18 document? Is that your signature above your printed
19 name?

20 A. It is.

21 Q. Did you sign this document?

22 A. I did.

23 Q. What is your understanding of what this
24 document is?

25 A. It has something to do with antipiracy.

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Elizabeth Pelletier

1 THE REPORTER: Something to do with what?

2 THE WITNESS: Antipiracy.

3 Q. Are you aware of any other amendments to the
4 distribution agreement with Macmillan other than the
5 ones I showed you just now?

6 A. I am not.

7 Q. Who is RightsMix?

8 A. RightsMix is the agency that handles our
9 foreign rights sales for Entangled Teen.

10 Q. When you say foreign rights sales, are you
11 talking about foreign language editions?

12 A. I am.

13 Q. So if it was an English print version of the
14 book, that would be distributed by Macmillan, correct?

15 A. That is not correct.

16 Q. So why is that an incorrect statement?

17 A. Because technically British UK is considered a
18 foreign language.

19 Q. So under the Macmillan distribution agreement,
20 they don't have rights to distribute books written in
21 English in the UK?

22 MS. WOLFF: Object to the form. You can
23 answer. It's confusing.

24 Q. Well, is it fair to say that what you're
25 saying is that Macmillan distribution agreement doesn't

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Elizabeth Pelletier

1 gaming rights yourself?

2 MS. WOLFF: Object to the form. Are you
3 talking about Liz as an individual or with Entangled?

4 MR. PASSIN: Entangled.

5 MS. WOLFF: Okay.

6 A. I'm sorry, can you repeat the question?

7 Q. Let me rephrase it.

8 Does Entangled, with respect to the books
9 that it controls, license the film and television and
10 gaming rights itself?

11 A. We use an agent.

12 Q. And you use APA as the agent?

13 A. Yes.

14 Q. What gaming --

15 A. For film, to clarify. For film.

16 Q. What gaming rights has -- have been licensed
17 with respect to any of the Crave books?

18 A. We licensed the first book, only two chapters,
19 Crazy Maple Studios. Crazy Maple Studios.

20 Q. And those are the only gaming rights with
21 respect to all of the books in the Crave book series
22 that have been licensed?

23 A. I believe so.

24 Q. And with respect to motion picture rights, is
25 the only license been entered into is the option

1 service utilities created automatically for you, like
2 AT&T. I wasn't aware I had one.

3 Q. Do you know the Internet service provider for
4 each of the e-mail addresses you just gave me?

5 A. Gmail is one, Yahoo is one. I don't know how
6 to answer who the ISP is for entangled.com.

7 MS. WOLFF: Don't guess.

8 A. I don't know.

9 Q. How many computers did you use to edit the
10 books in the Crave book series?

11 MS. WOLFF: Object to form. You can
12 answer.

13 A. Two.

14 Q. And describe those computers for me as best
15 you can by -- you know, was it a laptop or desktop or
16 the manufacturer or model number, whatever you know.

17 A. Both were Apple MacBooks, MacBook Pros.

18 Q. And you still have those computers?

19 A. I do, although not in my possession entirely.

20 Q. Whose possession is it in?

21 A. I turned over one of them entirely to a third
22 party eDiscovery company.

23 Q. And they still have it?

24 A. Uh-huh.

25 Q. When did you turn it over to them?

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1 A. When it was requested. I don't know what
2 date.

3 Q. Did you maintain backup for your computers?

4 MS. WOLFF: Object to the form. You can
5 answer if you understand.

6 A. I do not.

7 Q. What e-mail program is on each computer? In
8 other words, Outlook, Apple Mail, anything like that?

9 A. Outlook is on both.

10 Q. And did you access it on your computer or
11 through the web?

12 A. My computer.

13 Q. What kind of software did you use to edit the
14 books in the Crave book series?

15 A. I used Microsoft Word.

16 Q. Didn't you also use Google Docs?

17 A. To edit the books, no, I did not.

18 Q. Did you use Google Docs in connection with the
19 books at all?

20 A. I had access to Google Docs, but I personally
21 did not.

22 Q. What do you mean, you had access to Google
23 Docs?

24 A. It is my understanding that the bible was kept
25 in a Google Doc, but I didn't use it.

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Elizabeth Pelletier

1 Q. And how did you get --

2 A. To the best of my recollection, I did not use
3 it.

4 Q. How did you get that understanding?

5 A. I was told.

6 Q. By whom?

7 A. Emily Sylvan Kim.

8 THE REPORTER: Who?

9 THE WITNESS: Emily Sylvan Kim.

10 Q. Do you have an online subscription to any
11 editing software?

12 A. I do not.

13 Q. Do you have your own Google Docs account?

14 A. I do.

15 Q. You do. Was that used at all in connection
16 with editing of the -- any of the Crave books?

17 A. It was not.

18 Q. Was that account used at all in connection
19 with the bible?

20 A. In the sense that I was given access through
21 that account to the bible.

22 Q. So your own Google account was used to create
23 the bible?

24 A. No.

25 MS. WOLFF: Object to form.

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Elizabeth Pelletier

1 Q. Whose account was used, do you know?

2 A. No. Sorry.

3 Q. When -- do you use Google Docs with -- to edit
4 other books?

5 A. I don't use Google Docs to edit any books.

6 Q. And I'm not talking about the Crave book
7 series. I'm talking about any books.

8 A. No books.

9 Q. Do you use Google Docs for anything?

10 A. Yes.

11 Q. When you make changes to a book on Google
12 Docs, does it send you an e-mail?

13 MS. WOLFF: Objection to form.

14 Q. Does it send you an e-mail advising you --

15 MS. WOLFF: You're mischaracterizing her
16 statement. She said she makes no changes to books
17 using Google Docs.

18 MR. PASSIN: All right. I object to your
19 speaking objection. You're coaching the witness.
20 Please refrain from doing that.

21 Q. Have you ever used Google Docs to edit any
22 books?

23 A. I have never used Google Docs to edit any
24 book.

25 Q. What do you use Google Docs for?

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Elizabeth Pelletier

1 A. The marketing team will put together plans for
2 marketing a book in a Google Doc.

3 Q. All right. And then do you sometimes make
4 changes on Google Docs yourself to those plans?

5 A. Of course.

6 Q. And when you do, does Google send you an
7 e-mail?

8 A. I don't think so.

9 Q. When you use Google Docs, do you use the
10 "track changes" feature on Google Docs?

11 A. Not always.

12 Q. But sometimes?

13 A. I think we did on a press release once.

14 Q. This -- when you use Google Docs, does it have
15 an access log?

16 A. I don't know.

17 Q. Can you still access your Google Docs account?

18 A. Yes.

19 Q. Did you use any text spinning software to
20 write any of the books in the Crave book series?

21 A. I don't know what text spinning software is.

22 Q. Did you use any artificial intelligence bots
23 that are able to reword sentences in writing any of the
24 books in the Crave book series?

25 A. No.

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Elizabeth Pelletier

1 Q. How did you physically edit the books in the
2 Crave book series?

3 A. I typed on my laptop in a word processing
4 application called Microsoft Word.

5 Q. Did Tracy Wolff also make edits to the books
6 in the Crave book series?

7 A. From time to time, yes.

8 Q. So how did that work? Did you pass back and
9 forth drafts of the books?

10 A. Yes.

11 Q. So you made -- did you make the edits usually
12 on the same draft or did you have -- each have
13 different drafts?

14 MS. WOLFF: Object to the form. You can
15 answer if you can.

16 A. We try as much as possible to always have the
17 document that we're working on linearly passed.

18 Q. And --

19 MR. PASSIN: Can you read her answer
20 back, please?

21 (The requested testimony was read back)

22 THE WITNESS: Linearly, like one, then
23 the other, then back. Like sequentially, I guess, is a
24 better word.

25 Q. Do you keep the drafts in the Cloud or

1 somewhere where you can both access the drafts at the
2 same time?

3 A. No.

4 MS. WOLFF: Object to form. You can
5 answer.

6 A. No.

7 Q. So, in other words, you have the draft in your
8 computer, you make edits, and then you send the draft
9 to Tracy Wolff; is that correct?

10 A. Correct.

11 Q. And vice versa?

12 A. Correct.

13 Q. How do you send it back and forth to each
14 other?

15 A. Via e-mail.

16 Q. Did you produce those e-mails in this
17 litigation?

18 A. I produced every e-mail in this litigation.

19 Q. What phone numbers did you use to text from
20 when -- during the time period you were editing the
21 Crave books?

22 A. My phone number.

23 Q. And what is that?

24 A. [REDACTED].

25 Q. Did you turn over to Entangled's lawyers all

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 (The requested testimony was read back)

2 Q. So you said you were in IT for many years.
3 What did you do in IT?

4 A. I worked on software that turns pages into
5 digital images.

6 Q. And during what years did you do that?

7 A. 19 -- gosh, I don't remember. 1990 through --
8 17 years ago maybe, 16. I don't know exactly.

9 Q. And then when did you create and run the
10 workshop for writers?

11 A. After that, right after.

12 Q. Do you know what years?

13 A. I don't remember the exact years, but right
14 after that.

15 Q. Well, when did you start Entangled?

16 A. 2011.

17 Q. Was that the first publishing company you
18 started?

19 A. Yes.

20 Q. And did you work at any publishing company
21 before then?

22 A. I did not.

23 Q. When did you first meet Emily Sylvan Kim?

24 A. In person. I think it was in New York. I
25 don't remember when. It was years ago, maybe six years

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 ago.

2 Q. Under what circumstances did you meet her?

3 A. I was in the city. And as is common for
4 editors, you take agents out to lunch, and she was one
5 of the agents that I met with that day.

6 Q. Over the years have you worked with her a lot?

7 A. No.

8 Q. Approximately how many books of her clients
9 have you published?

10 A. I don't know.

11 Q. Well, was it more than just Tracy Wolff's
12 books?

13 A. Yes.

14 Q. Can you give me an estimate of how many
15 different authors?

16 A. Between six and ten.

17 Q. Between six and ten?

18 A. Maybe.

19 Q. How many books? Just give me a best estimate.

20 A. This would be just a wild guess. Maybe 20
21 or 30.

22 Q. And you don't consider that a lot?

23 A. No, because --

24 Q. Go ahead.

25 A. If I may clarify.

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 was estimating in my head, we tend to do three-book
2 contracts. That's where I was getting those numbers
3 from. I just -- I don't remember. I'm sorry.

4 Q. Approximately how many manuscripts has Emily
5 Sylvan Kim sent Entangled over the years?

6 A. I would have no way of knowing.

7 Q. Would you characterize Emily Sylvan Kim as a
8 good friend of yours?

9 A. I would now.

10 Q. Excuse me?

11 A. I would now.

12 Q. For how long would you characterize her as a
13 good friend?

14 A. The last 2-1/2 years.

15 Q. And how would you describe your relationship
16 with her?

17 A. Good.

18 Q. Do you socialize together?

19 A. We do not.

20 Q. Over the last two years, how often would you
21 estimate that you speak to her?

22 A. Could you be more specific about "speak"?

23 Q. How about over the telephone?

24 A. I speak to her frequently when we're in the
25 middle of editing one of Tracy's books. I speak to her

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 chapter titles?

2 A. Not many books have chapter titles. So --

3 Q. Approximately how many books have you -- has

4 Entangled published since 2010?

5 A. I believe the number is somewhere

6 around 3,000.

7 Q. How many YA books set in Alaska have you --

8 has Entangled published?

9 A. I don't know.

10 Q. Has there been any -- any others than Crave?

11 A. I'm sure we have books in Alaska. I know -- I

12 don't know about why you specifically -- I mean, off

13 the top of my head, we have two. But I don't know

14 specifically -- I don't know every YA book that we

15 publish.

16 Q. You have two what?

17 A. Books in Alaska.

18 Q. Are they YA books?

19 A. Those two, no.

20 Q. What are the names of the books?

21 A. One of them is called Arctic Bite and is a
22 vampire in Alaska. Another, I don't know the title of
23 it, but it was -- Samantha Beck was the author. It's
24 about a woman living in Southern California who
25 relocates to Alaska.

1 thing?

2 MS. WOLFF: Object to form. I think
3 that's a legal definition.

4 A. I don't know the definition that -- that well.
5 I'm sorry.

6 Q. When did you first meet Tracy Wolff?

7 A. I can't recall. She says it was at a
8 conference. I don't -- I don't remember.

9 Q. Do you know approximately how long ago it was?

10 A. Maybe seven or eight years, maybe.

11 Q. And under what circumstances did you meet her?

12 A. It was a conference for writers.

13 Q. Well, do you recall that or are you just
14 basing it on what Tracy Wolff told you?

15 A. I do not recall.

16 Q. So it's based on what Tracy Wolff told you?

17 A. It is.

18 Q. And when did she tell you that?

19 A. Years ago.

20 Q. And over the years, have you worked with Tracy
21 Wolff a lot?

22 A. Over what years?

23 Q. Since you met her.

24 A. No.

25 Q. No?

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 A. No, not since then. Only recently.

2 Q. Approximately how many books of hers have you
3 published?

4 A. As I said, I believe it is ten.

5 Q. Would you characterize Tracy Wolff as a good
6 friend?

7 A. I would now.

8 Q. And for how long would you say that?

9 A. Since the Crave series.

10 Q. How would you characterize your relationship
11 with her?

12 A. Close.

13 Q. Do you socialize with her?

14 A. On occasion.

15 Q. When did you move to Austin?

16 A. August of 2021.

17 Q. And did you move to Austin to be close to
18 Tracy Wolff?

19 A. No.

20 Q. Why did you move to Austin?

21 A. My best friend is here.

22 Q. And over the three -- last three years, how
23 often would you estimate that you speak to Tracy Wolff?

24 A. In any form, speak?

25 Q. Yes.

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 A. When we're working on a book, all day, every
2 day. When we're not, if I have some news to share.

3 Q. And over the last three years, how often would
4 you estimate you text with her?

5 A. I would say the same thing. During a book,
6 frequently. Not during a book, when I have something
7 to share.

8 Q. And in the last three years, how often do you
9 estimate that you see Tracy Wolff?

10 A. Maybe once every three months.

11 Q. Do you have a reputation amongst Tracy Wolff
12 and Emily Kim as being a liar?

13 A. Not that I'm aware of before yesterday, no.

14 Q. Why do you say "before yesterday"?

15 A. Because I reviewed documents.

16 Q. And who showed you those documents?

17 A. My attorney.

18 Q. Let me show you what's been previously marked
19 as Exhibit 50, a text message string.

20 Is this a document you saw? Because
21 there are other documents similar to this.

22 A. I would like to clarify "saw." I didn't read.
23 I just saw, like that.

24 Q. And they told you -- well, strike that.

25 I'm going to read out loud part of it,

1 starting with June 3, 2021 at 8:28 a.m. There is a
2 person that is "you," I believe it's Emily Kim, but I
3 don't have testimony to that effect.

4

5

6

7

8

9

10

11

12

13

14

Do you know what they are talking about
there?

15

16

MS. WOLFF: Objection to the extent Liz
is not on the text. But she can answer.

17

18

A. I have a guess it is something to do with a
synopsis.

19

Q. And it as a synopsis for Court, I assume?

20

A. I assume.

21

22

23

Q. And you had said you wrote it and they
questioned whether or not you actually wrote it; is
that correct?

24

A. Correct.

25

Q. Did you write the synopsis for Court?

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 A. Yes.

2 Q. And did you give it to them?

3 A. I did.

4 Q. And why did they think you didn't give it to
5 them?

6 A. Because there are six versions of the
7 synopsis. We were struggling about how to end the
8 series. I especially was struggling with -- in
9 fiction, there are these things called Chekhov guns.
10 You take them out of a drawer, you set them there, and
11 later on you have to fire them. A Chekhov gun is
12 something that you know a reader is going to want to
13 know how it concludes.

14 This is the fourth book in what was
15 supposed to be the final book in a series. We had set
16 off -- we had taken a number of Chekhov guns out of the
17 drawer throughout the series and I was struggling with
18 how to fire all of them in a competent and cohesive
19 manner for the final book. So I would start a synopsis
20 in one direction, let's fire these and then these and
21 then this, closing loopholes. It wouldn't work. I
22 would have to back up, I would have to start all over
23 again.

24 Anytime I would tell them, "At this
25 particular time, I don't know where we are going,"

1 Tracy -- anger is a masking emotion. The real emotion
2 here is fear. She's afraid I'm not going to be able to
3 fire all of these guns in a final book in time for her
4 to write it.

5 She was right to be afraid because you
6 couldn't fire them all, and we ended up having to make
7 this a six-book series. And that was the -- the
8 solution to it.

9 Q. Were you going -- strike that.

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 A. No.

15 Q. Do you have any idea why Tracy would've said
16 that?

17 A. Yes.

18 Q. Why?

19 A. Because I said we had to have a tax planning
20 meeting because we postponed the book from November to
21 a February release, and the way that publishing -- the
22 way that the world works in the United States, you have
23 to pay taxes on cost of the goods sold.

24 So that means we created a tax event with
25 inventory and then we had to meet with our accountants

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 on what to do with the inventory. She just doesn't
2 understand.

3 Q. Do you know who Lynne Freeman is? Strike
4 that?

5 So you wrote this synopsis, you said, for
6 the book Court, correct?

7 A. Correct.

8 Q. Did you write a synopsis for any of the other
9 books in the Crave book series?

10 A. I did.

11 Q. Which ones?

12 A. Crush, Covet.

13 Q. So you wrote them for Crush, Covet, and Court.

14 A. Yes.

15 Q. Who wrote the synopsis for Crave?

16 A. I don't believe there was one.

17 Q. Are you sure -- okay. And who wrote it for
18 the rest of the books in the Crave book series?

19 A. I did.

20 Q. Well, you didn't mention Cherish or -- who
21 wrote for Cherish?

22 A. I apologize, I thought I was only supposed to
23 mention the first four.

24 Q. No.

25 A. I wrote them all. I'll clarify that

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 occasionally Tracy would start one, but I would end up
2 writing it.

3 Q. So you wrote them all but for Crave?

4 A. I'm not aware there was one for Crave.

5 Q. So you didn't write it for Crave?

6 A. Yeah. No one did.

7 Q. Do you know who Lynne Freeman is?

8 A. I do now.

9 Q. Have you ever met Lynne Freeman?

10 A. Not to my knowledge.

11 Q. When did you first hear or see her name?

12 A. The date of the demand letter.

13 Q. And explain the context in which you first
14 heard or saw her name.

15 A. It was in the demand letter.

16 Q. Are you familiar with a manuscript that
17 Ms. Freeman wrote that is the subject of this lawsuit?

18 A. I am now.

19 Q. Do you know the name of the manuscript?

20 A. I believe it's Blue Moon Rising.

21 Q. When did you first become aware of the
22 manuscript?

23 A. The date of the --

24 MS. WOLFF: Object to the form. You can
25 answer.

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 So where did this person look for the
2 book?

3 A. On our hard drives.

4 Q. Okay. And who sent the vendor their hard
5 drives?

6 A. I sent my -- my laptop. Everyone else, I
7 believe, gave logins.

8 Q. Did you send both your laptops or just one?

9 A. I sent one.

10 Q. Excuse me?

11 A. I sent one.

12 Q. Well, you used two laptops to edit the Crave
13 books. Why did you only send one?

14 A. I need the other one to make a living. I'm
15 working on it.

16 Q. So which one did you give them of the two Mac
17 Pros?

18 A. The older one.

19 Q. The older one.

20 MR. PASSIN: Counsel, I ask that you
21 immediately have that other computer sent to the vendor
22 and have it searched immediately.

23 MS. WOLFF: Objection.

24 MS. COLE: To -- do you mind? To
25 clarify, if I may, on the record --

Confidential

Freeman vs.
Deeks

Elizabeth Pelletier

1 an issue with the phrasing.

2 Q. So you are saying that you asked more than
3 Stacy Abrams to see if there was anyone interested in
4 writing the vampire series, you just don't know whether
5 or not those editors spoke to actual authors?

6 A. Yes.

7 Q. All right. Is it fair to say that they likely
8 did because that's what they do for a living and
9 they --

10 A. I don't know. Honestly, I don't know.

11 Q. I would like to show you what has previously
12 been marked as Exhibit 7, an April 26, 2019 e-mail from
13 Tracy Deeks to Stacy Abrams. By the way, I'm going to
14 refer to Tracy Deeks as Tracy Wolff. Is that
15 understood?

16 A. That would be better, thank you.

17 Q. Tracy Wolff was one of her pen names, correct?

18 A. Yeah, and that's how I think of her. So I
19 appreciate that.

20 MS. WOLFF: And I remember the name.

21 Q. I'm going to read this e-mail out loud.

22 "Hi, Stacy. I'm so excited that you
23 thought of me for this. I put together five basic
24 ideas for you to look at. Everything is of course
25 flexible when it comes to creatures, plot, et cetera,

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 but I wanted to give you a rough idea of what I was
2 thinking for each of them. I'm on my way to my
3 cousin's wedding, but I'm happy to talk/answer e-mails
4 later tonight or early tomorrow morning and would be
5 happy to take another go at this if none of these ideas
6 appeal. I have a few more, but I need to get on the
7 road. LOL. Also, the fifth idea is contemporary based
8 on Meteor Garden/Boys Over Flowers, the most successful
9 anime turned TV show for girls in Asia's history, and
10 also usually popular over here. I fleshed it out into
11 a serial format, but it can easily be combined into a
12 four-book series or one book, even if it is something
13 you might be interested in. But the dynamic is exactly
14 what Liz is looking for. Ordinary girl in a super
15 rarified world, hence the huge worldwide response to
16 it. Can't wait to hear what you think."

17 You notice it says in the first paragraph
18 that, quote, "I'm so excited that you thought of me for
19 this," end quote, and in the penultimate paragraph that
20 "... the dynamic is exactly what Liz is looking for.
21 Ordinary girl in a super rarified world."

22 So based on the foregoing, is it accurate
23 to say that you communicated to Stacy Abrams prior to
24 April 26, 2019 that Entangled wanted to hire Tracy
25 Wolff to write a book about an ordinary girl in a super

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 **rarified world?**

2 MS. WOLFF: Object to form. You can
3 answer.

4 A. I would have spoken to Tracy -- Stacy that I
5 was looking for a book, but I would not have said,
6 "Contact Tracy." I was surprised when she brought me
7 Tracy.

8 **Q. But did you tell her you were looking for a**
9 **book about an ordinary girl in a super rarified world?**

10 A. I told her that I was looking for a book with
11 a fish out of water trope, and that's what that sounds
12 like.

13 **Q. What does that mean, a fish out of water**
14 **trope?**

15 A. Fish out of water is where you take a
16 character who is used to one world and then you put
17 them in a completely different world, much like --
18 think Arizona to Seattle for Twilight; Harry Potter,
19 from the suburbs to this exotic paranormal castle; Star
20 Wars from farming to the galaxy, traveling the galaxy.
21 It's fish out of water.

22 **Q. In Crave, it would be Grace to the Katmere**
23 **Academy?**

24 A. Yeah.

25 **Q. Now, was this conversation you had with Stacy**

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 Abrams, was it an oral or written communication?

2 A. Oral.

3 Q. Okay. And when did it take place in relation
4 to April 26, 2019?

5 A. I don't recall exactly, but very close because
6 I remember being surprised at how fast Stacy wrote
7 Tracy.

8 Q. Was it face-to-face or over the telephone?

9 A. Over the telephone.

10 Q. Was anyone else --

11 A. With Stacy. With Stacy.

12 Q. Stacy?

13 A. Yes.

14 Q. Was anyone else on the phone call?

15 A. I can't recall.

16 Q. Do you see in the first paragraph it says, "I
17 put together five basic ideas for you to look at"?

18 A. I do.

19 Q. On or about April 26, 2019, did Stacy Abrams
20 show you the first -- or the five basic ideas that
21 Tracy Wolff put together?

22 A. I believe so, yes.

23 Q. Do you know how she sent it to you?

24 A. Probably e-mail, but I don't know.

25 Q. Well, is it fair to say that Stacy works --

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 I remember this now.

2 Q. Okay. So is it the document containing the
3 five basic ideas put together by Tracy Wolff that Stacy
4 Abrams showed you on or about April 26, 2019?

5 A. It is.

6 Q. Okay. By the way, I want to go back to
7 something.

8 Do you recall anything else said in the
9 conversation between you and Stacy Abrams in which you
10 told her you were looking for a book about a fish out
11 of water?

12 A. I remember that I communicated to her why I
13 wanted to do a Crave -- at the time it wasn't called
14 Crave -- a book, a vampire book, and why I thought it
15 would be a bestseller.

16 Q. What did you tell her?

17 A. I had recently seen an article. I'm a
18 voracious consumer of news articles and things like
19 that. I flip through them all day. And I had recently
20 seen an article that was talking about how trends -- I
21 believe it was clothing trends in particular, but how
22 trends cycle back every ten years.

23 I read a separate article -- YA sales
24 were soft at this time, and somebody had interviewed a
25 bunch of book store managers and asked them why they

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 thought YA sales were depressed, and the book store
2 managers, a lot of them were saying that, the women
3 who -- the people, but a lot of women write YA
4 romance -- who were writing these heroines were writing
5 the kind of heroine they wish they had been in high
6 school, having agency, understanding who they are,
7 where they want to go, just having all of the answers.
8 And they felt, in their opinion, that's why YA sales
9 had been depressed recently. That young girls couldn't
10 relate to that, they don't have all the answers, they
11 don't know what's going on.

12 And then I read a separate article
13 completely unrelated that was talking about how
14 Twilight was about to be ten years old, and so I had
15 the idea of bringing vampires back. I said, "But we
16 have do it in a fun, fresh way. We need a new angle on
17 it." And my idea was to take Twilight meets Harry
18 Potter and put those two together. So I needed
19 something fish out of water and fantastical and set
20 someplace that, you know, would be its own character.
21 And that's -- I really wanted the romance of Twilight,
22 though, which is like heart-pounding, does he like me,
23 does he not like me, like all of that that was missing
24 that, you know, isn't in a Harry Potter because that
25 was middle grade.

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 questions before?

2 MR. PASSIN: It's different.

3 MS. WOLFF: It sounds familiar. Sorry.

4 Q. Did you ever discuss Masked with Emily Kim?

5 A. No.

6 Q. Did you ever discuss Lynne Freeman with
7 anyone?

8 A. No.

9 Q. Did you ever discuss Lynne Freeman with Tracy
10 Wolff?

11 A. No.

12 Q. Did you ever discuss Lynne Freeman with Stacy
13 Abrams?

14 A. No.

15 Q. Did you ever discuss Lynne Freeman with Emily
16 Kim?

17 A. No.

18 Q. Who in connection with the Crave series was
19 the expert on Alaska?

20 A. I don't know that any of us are an expert on
21 Alaska.

22 Q. Well, who provided the majority of the
23 information about Alaska that appears in the books --
24 in the Crave book series?

25 A. I would say it's a collaboration. Again, I

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 Q. I apologize. What did you call them, guns?

2 What are they called?

3 A. Chekhov guns.

4 Q. Chekhov guns. Explain to me again what that
5 is. I apologize.

6 A. So let's say you want to -- say there is a
7 path that you are walking down -- your character is
8 walking down and you want them to go to the right. You
9 happen to mention there is a scary tree off to the
10 left, but they don't take that path. I have taken a
11 Chekhov gun and set it on counter and I have told you
12 there is probably something down that path, but I
13 haven't fired the gun. I haven't told you what's down
14 there yet.

15 Q. Did you write any of the chapter titles for
16 the Crave book series?

17 A. I don't believe so.

18 Q. Do you know who wrote the chapter titles?

19 A. I believe they were Tracy.

20 Q. Did Emily Kim write any of the chapter titles?

21 A. I believe she wrote some draft of ones, but I
22 don't think they were used.

23 Q. Is Crave the most commercially successful book
24 that Entangled has ever published?

25 A. Define "successful."

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

- 1 Q. As far as financially successful.
- 2 A. Made the most profit?
- 3 Q. Yes.
- 4 A. No.
- 5 Q. Made the most revenue?
- 6 A. Generated the most revenue, probably.
- 7 Q. Is it the most commercially successful YA
- 8 paranormal book ever published at Entangled? Well,
- 9 obviously your --
- 10 A. Profit-wise or --
- 11 Q. Yeah -- no, revenue-wise. General revenue.
- 12 A. It generated the most revenue of any book.
- 13 Q. How many copies of Crave in all formats have
- 14 you sold?
- 15 A. I don't know.
- 16 Q. When did you first meet Stacy Abrams?
- 17 A. Meet in person?
- 18 Q. Yes.
- 19 A. I can't recall.
- 20 Q. Do you recall under what circumstances you met
- 21 her?
- 22 A. No.
- 23 Q. When you said "in person," do you remember
- 24 when you first met her over the telephone?
- 25 A. Of course.

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 MR. GOETZEL: That's fine.

2 THE VIDEOGRAPHER: We're now off the
3 record. The time is 11:44 a.m.

4 (Lunch recess from 11:44 a.m. to 1:01 p.m.)

5 THE VIDEOGRAPHER: This is Media 3.
6 Going back on the record at 1:01 p.m.

7 Q. (BY MR. PASSIN) I would like to show you
8 what's previously been marked as Exhibit 35. Have you
9 seen -- take a look at Exhibit 35.

10 A. Excuse me. Do you mind if I get my reading
11 glasses?

12 THE VIDEOGRAPHER: Watch your microphone.

13 Q. Take a look, if you could, at Page 18 of the
14 contract, which is Entangled0006702. Is that your
15 signature -- electronic signature that appears above
16 your name?

17 A. It is.

18 Q. And on the last two pages of the agreement, is
19 this the certification that certifies that the
20 electronic signature we just saw is your electronic
21 signature?

22 A. It is.

23 Q. Okay. What is this a contract for?

24 A. This is a contract, I believe, for spinoff
25 books for the Crave series.

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 Q. Okay. And it's three spinoff books, correct?

2 A. Correct.

3 Q. Has Tracy Wolff started writing them?

4 A. I don't know.

5 Q. Do the books have a name?

6 A. They do.

7 Q. What are their names?

8 A. They -- I should --

9 Q. The names of the three books.

10 A. If I could clarify, that they -- one of them
11 has a name.

12 Q. What's the name of the one?

13 A. Sweet Vengeance.

14 Q. What is it about?

15 A. We're still working on it.

16 Q. And when is that book due?

17 MS. WOLFF: Object to the form. You can
18 answer.

19 Q. Is there a delivery date for the book?

20 A. I don't know off the top of -- sometime in the
21 beginning of June, I think.

22 Q. Of this year?

23 A. Uh-huh.

24 Q. And is any part of it written yet?

25 A. I don't know.

Confidential

Freeman vs.
Deebs

Elizabeth Pelletier

1 Q. But you don't know what it's about?

2 A. I know some vague ideas about it, but I
3 haven't written the full synopsis for it yet.

4 Q. You're writing the synopsis?

5 A. Most likely.

6 Q. But it hasn't been written yet?

7 A. So if I could clarify, her process sometimes
8 is to spend quite a bit of time getting to know the
9 characters. That doesn't necessarily need a plot for
10 her to be able to do that. So she could have started
11 writing the book, developing the characters and their
12 chemistry together and stuff, but I haven't written the
13 synopsis for it yet. I have a vague idea, which I
14 conveyed to her orally of what I think I want the book
15 to be, but nothing written.

16 Q. And when you say the characters, some of the
17 characters will be characters from the Crave book
18 series, correct?

19 A. Correct.

20 Q. Which characters are those?

21 A. Izzy, Vega, and Remy Boudreaux for sure.
22 That's all I know for sure.

23 Q. Next I would like you to take a look at what
24 was previously marked Exhibit 36. On this one, please
25 turn to Page 18 of the contract, which is

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Deebs

Elizabeth Pelletier

1 Entangled0006681. Is that your electronic signature

2 that appears above your name?

3 A. It is.

4 Q. And if you go to the last two pages attached

5 to this document, is that a certification stating that

6 the electronic signature we just looked at is your

7 electronic signature?

8 A. It is.

9 Q. Okay. Now, what is this contract for?

10 A. This gave us space if we wanted to write

11 one-off books in the series.

12 Q. Oh, so this is, again, related to the Crave

13 book series?

14 A. Yes.

15 Q. All right. Even though it says a new series?

16 A. So Crave, the series, is complete with six

17 books. That doesn't mean that there aren't other

18 things that happen in the world or other story lines

19 that she wants to explore. Each time you branch, it

20 becomes a brand new series, even if it's only one book.

21 So it wouldn't be like Book 7 in the Crave series

22 because that -- those six books have their very own arc

23 that covers from beginning to end.

24 Q. So would you consider these to be spinoffs as

25 well from the Crave book series?

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Freeman vs.
Deebs

Elizabeth Pelletier

1 A. I don't know what they are going to be. They
2 are just open-ended. We did it because at the time we
3 were considering possibly exploring writing Flint and
4 Jaxon's story, possibly a different story from Macy.
5 Might be novels, might be novellas.

6 We just wanted to give ourselves some
7 space because to do those extra stories, we might have
8 done them very quickly and we had had some discussion
9 about maybe dropping them without any advance warning
10 on fans.

11 Q. But your understanding is they are some sort
12 of derivative works of the Crave book series?

13 A. Yes.

14 MS. WOLFF: Objection.

15 A. Sorry.

16 Q. I'm going to show you what's been previously
17 marked as Exhibit 38 in this case. Can you explain to
18 me what these are, please?

19 A. It says ACH payment, so I assume they are ACH
20 payments.

21 Q. All right. But are these ACH payments that
22 are monthly payments that Entangled makes to Tracy
23 Wolff as advances against the quarterly royalties that
24 will be payable to her?

25 A. I'm not in the finance department, so I'm not

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Deebs

Elizabeth Pelletier

1 the best person to ask. But that's what it looks like.

2 Q. So you are not that familiar with it?

3 A. Huh-uh.

4 Q. Do you know if they are payments for just the
5 Crave books or is it for all of the books that
6 Entangled pays Tracy Wolff for?

7 A. I have no idea.

8 Q. All right. You can put it aside. I'm going
9 to show you what was previously marked as Exhibit 47.
10 And on this, look at the third paragraph. I'm going to
11 read you a sentence.

12 "In this instance, Pelletier created the
13 basic story line for the Crave book series."

14 Is that true?

15 A. Yes.

16 Q. Tell me exactly for the book Crave what's the
17 story line that you created?

18 A. The story line is about a young girl whose
19 parents die and she's forced to go to a boarding school
20 with paranormal creatures. And she is a fish out of
21 water and then slowly discovers that the school is
22 filled with all kinds of paranormal creatures and it's
23 a school specifically for these paranormal creatures
24 and she's the only human among them.

25 Q. Did you create that on your own or did you do

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Freeman vs.
Deebs

Elizabeth Pelletier

1 that in collaboration with Tracy Wolff?

2 A. Well, you refreshed my recollection earlier
3 with another document that I'm the one who came up with
4 that.

5 Q. So that's in writing?

6 A. Yes.

7 Q. Do you know which document it is?

8 A. It was one of the --

9 Q. You have it in front of you.

10 A. Do you want me to find the exact one?

11 Q. Yes, please.

12 A. Sure.

13 Q. Tell me what the exhibit number is, please.

14 A. Sure. Sorry, it was embedded in one of the --

15 Q. That's all right. Take your time.

16 A. Thank you. Exhibit 9.

17 Q. And then what specifically are you referring
18 to?

19 A. At the bottom of the first page, you say,
20 "From Liz. For this one, I keep trying to think of why
21 the heroine would be at the school, a human. What if
22 her parents died in a car wreck and she's sent to live
23 with her uncle who is the dean of the academy? She was
24 just a human. Her father married a human and was
25 excommunicated from that world for it. That way you

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Elizabeth Pelletier

1 could pull readers through the series waiting to see if
2 she ever shows -- I'm sorry -- shows half of who she
3 is. Her uncle could be a wizard or something special."

4 That is exactly in the book.

5 Q. All right. Now, take a look at Exhibit 8,
6 Idea 2 that was written by Tracy Wolff, that's part of
7 the -- some of that made it in as part of the story
8 line, didn't it?

9 A. Well, the boarding school part that she has
10 here that she mentions was in my original -- that's
11 what I wanted, that I told Stacy to go out and get.
12 And that's -- she responds in one of the other
13 exhibits. Sorry, I just have to find it. I'm so
14 sorry. I remember reading it. I just don't remember
15 where. Oh, here it is. I'm sorry. Exhibit 9.

16 Q. Where -- where in Exhibit 9?

17 A. The first paragraph of the second e-mail.
18 "You are amazing. So many of these sound
19 awesome. It's almost hard to choose. I spoke with Liz
20 about it and we both agree that the one closest to
21 specifically what she's looking for is No. 2."

22 Q. Right. But No.2 is written by Tracy Wolff?

23 A. Yes, but I'm saying in that -- what --
24 specifically what I'm looking for. So I was already
25 looking for something that I had already relayed to

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Deebs

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1 Stacy.

2 Q. Right. Well, you already told us what it was?

3 A. Yeah.

4 Q. Okay. And it wasn't as detailed as Idea

5 No. 2?

6 A. Let me now go through No. 2 and point out -- I
7 was just pointing -- relating to the boarding school
8 part. That's what I was responding to.

9 Vampires I was looking for. A reboot on
10 Twilight, but more feminist. So the Volturi instead of
11 Edward Cullen was also what I'm looking for. The
12 hottest bad boy at this very rich boarding school,
13 again, would be -- that's Edward Cullen with the
14 boarding school. However, the -- the parts about "The
15 dark power he wields is nearly unimaginable. As his
16 18th birthday approaches he knows he will be expected
17 to step into his role in the family," that is -- that
18 is not part of my original idea. All of the rest of
19 her idea is a reboot on Twilight.

20 Q. All right. Now, what were you saying about
21 Cullen? Are you saying that was your idea?

22 A. No. I'm saying that -- when I told Stacy what
23 I was looking for, I said I was looking for Twilight
24 meets Harry Potter. Volturi instead of Cullen is
25 Twilight.

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Deebs

Elizabeth Pelletier

1 Q. And Volturi, yes, is from Twilight, right?

2 A. Correct.

3 Q. Who is Cullen from?

4 A. Twilight. The Cullen family is where Edward
5 lives with them.

6 Q. Going back to Exhibit 47, I'm looking again at
7 the third paragraph. I'm looking at the second
8 sentence.

9 "The Crave book series was a
10 collaborative project with Pelletier providing to Wolff
11 in writing the main plot, location, characters, and
12 scenes."

13 You didn't provide to Wolff in writing
14 the main plot, location, characters, and scenes, did
15 you?

16 A. In the series, the -- where the various
17 elements in the series took us, yes, I did. They are
18 in the synopsis.

19 Q. All right. But you didn't write a synopsis
20 for the book Crave, correct?

21 A. No, nothing more than what you have shown me.

22 Q. So you didn't provide Wolff in writing the
23 main plot, location, characters, and scenes for Crave;
24 is that correct?

25 A. That is not correct. We just read in writing

1 some of the -- not all of those things, but some of
2 those things were in that.

3 Q. So to the extent we saw the writings, that's
4 what you have in writing as far as the main plot,
5 location, characters, and scenes for Crave, the book
6 Crave?

7 MS. WOLFF: Object to form.

8 A. I don't know what else you have in writing and
9 I didn't remember that until you showed me. I'm sorry.

10 Q. But as you sit here today, that's all you're
11 aware of?

12 A. That's all I know of, yes, in writing.

13 Q. [REDACTED]

14 [REDACTED]

15 A. [REDACTED]

16 Q. [REDACTED]

17 A. [REDACTED]

18 Q. [REDACTED]

19 MS. WOLFF: [REDACTED]

20 Q. [REDACTED]

21 A. [REDACTED]

22 Q. [REDACTED]

23 A. [REDACTED]

24 Q. [REDACTED]

25 A. [REDACTED]

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MS. WOLFF:

Q.

MS. WOLFF:

Q.

A.

Q.

A.

Q.

A.

Q.

A.

MS. WOLFF:

Q.

MS. WOLFF:

Q.

1 A. [REDACTED]

2 Q. Is Prospect and Emily Kim being indemnified by
3 anyone?

4 A. Not that I'm aware of.

5 Q. If an agent submits a manuscript to Entangled
6 and Entangled decides not to pursue that manuscript, is
7 it Entangled's policy -- or was it their policy in 2013
8 to send a written rejection letter to the agent?

9 A. We try to send rejection letters, but we
10 didn't always.

11 Q. Okay. And is it your policy now?

12 A. Even now we try and send rejection letters,
13 but we don't always.

14 Q. When Tracy Wolff testified -- and I'll try to
15 get this as best I can based on my recollection -- I
16 recall her giving me the impression that one of the
17 reasons you were looking to write the YA book is there
18 was an opening in your schedule, that some book dropped
19 out and wasn't going to be completed.

20 A. Correct.

21 Q. Okay. So what -- explain that situation to
22 me.

23 A. It's very often in publishing, publishing is a
24 creative art form, that an author will commit to
25 writing a book and delivering it by a certain date.

1 They will promise over and over again they are going to
2 hit it, they are going to hit it, give them an
3 extension, and then you sometimes run into trouble that
4 they did not finish the book, it's not going to make
5 the printer deadline or it just didn't develop the way
6 that you hoped it would develop in edits and it needs
7 more time.

8 I don't remember specifically why a book
9 dropped out. My vague recollection is this particular
10 author had -- was struggling with depression and
11 couldn't write. And she was a very large author, if
12 it's who I'm thinking of, and it left a hole in the
13 schedule for a very large book to slide in.

14 Q. Was it two books or just one book?

15 A. I believe it was just the one book.

16 Q. But it was one author or two authors?

17 A. Oh, it's -- if it's what I'm remembering, it
18 is one author.

19 Q. [REDACTED]

20 A. [REDACTED]

21 Q. [REDACTED]

22 A. [REDACTED]

23 Q. One thing I wanted to ask you is --

24 THE VIDEOGRAPHER: The microphone slid
25 all the way down your jacket.

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Deebs

Elizabeth Pelletier

1 Q. One thing I -- one thing I wanted to ask is,
2 in one of the drafts of one of the books in the Crave
3 series, they had the word "wrack" or "wracking" that
4 was spelled w-r-a-c-k or w-r-a-c-k-i-n-g. And that was
5 eventually changed to "rack" or "racking" without the
6 W. Do you recall who made that change?

7 A. I don't even recall that edit. I would need
8 more than the word to --

9 Q. Excuse me?

10 A. I would need more than the word. There is no
11 context. I don't remember the word, I'm sorry.

12 Q. You don't remember the word, okay.

13 Does Entangled have an employee handbook
14 that identifies job duties, protocols and procedures,
15 things like that?

16 A. We did not at that time. We do now.

17 Q. And when was that created?

18 A. Just this past month.

19 Q. Was that done on the advice of counsel?

20 A. No.

21 MR. PASSIN: Why don't we take a
22 five-minute break. We may be done.

23 THE VIDEOGRAPHER: We're now going off
24 the record. The time is 1:26 p.m.

25 (Recess from 1:26 p.m. to 1:33 p.m.)

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Freeman vs.
Deebs

Elizabeth Pelletier

1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2 LYNNE FREEMAN, an)
3 individual,)
Plaintiffs,)
4)

VS.) Case No. 1:22-cv-02435-LLS
5)

TRACY DEEBS-ELKENANEY)
6 P/K/A TRACY WOLFF, an)
individual, EMILY SYLVAN)
7 KIM, an individual,)
PROSPECT AGENCY, LLC, a)
8 New Jersey limited)
liability company,)
9 Entangled Publishing,)
LLC, a Delaware limited)
10 liability company,)
Holtzbrinck Publishers,)
11 LLC D/B/A MACMILLAN, a)
New York limited)
12 liability company, and)
Universal CITY STUDIOS,)
13 LLC, a Delaware limited)
liability company,)
14 Defendants.)

15

16 REPORTER'S CERTIFICATION OF THE ORAL
17 DEPOSITION OF ELIZABETH PELLETIER
MARCH 9, 2023

18 I, Donna Wright, a Certified Shorthand
19 Reporter and Notary Public in and for the State of
20 Texas, hereby certify to the following:

21 That the witness, ELIZABETH PELLETIER, was
22 duly sworn by the officer and that the transcript of
23 the oral deposition is a true record of the testimony
24 given by the witness;

25 That the original deposition was delivered to

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Freeman vs.
Deebs

Elizabeth Pelletier

1 Ms. Nancy Wolff;

2 That a copy of this certificate was served on
3 all parties and/or the witness shown herein on
4 March 9th, 2023;

5 I further certify that pursuant to FRCP Rule
6 30(3) that the signature of the deponent:

7 __X__ was requested by the deponent or a party
8 before the completion of the deposition and that the
9 signature is to be before any notary public and
10 returned within 30 days from date of receipt of the
11 transcript. If returned, the attached Changes and
12 Signature Page contains any changes and the reasons
13 therefore:

14 _____ was not requested by the deponent or a
15 party before the completion of the deposition.

16 I further certify that I am neither counsel
17 for, related to, nor employed by any of the parties or
18 attorneys in the action in which this proceeding was
19 taken, and further that I am not financially or
20 otherwise interested in the outcome of the action.

21

22

23

24

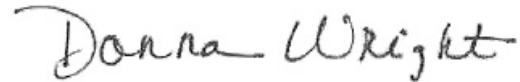
25

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Freeman vs.
Deebs

Elizabeth Pelletier

1 Certified to by me on this, the 13th day of
2 March, 2023.
3
4

5 

6 DONNA WRIGHT, Texas CSR 1971
7 Expiration Date: 11/30/24
8 APTUS COURT REPORTING
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